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Blurred demarcations of authority and power: the conflict between Indian and White shopkeepers in Krugersdorp, 1887-1923. Towards a pragmatic conceptualization of democracy and local government

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HISTORY WORKSHOP

BLURRED DEMARCATIONS OF AUTHORITY AND POWER:
THE CONFLICT BETWEEN INDIAN AND WHITE SHOPKEEPERS IN
KRUGERSDORP, 1887-1923 - TOWARDS A PRAGMATIC CONCEPTUALISATION
OF DEMOCRACY AND LOCAL GOVERNMENT

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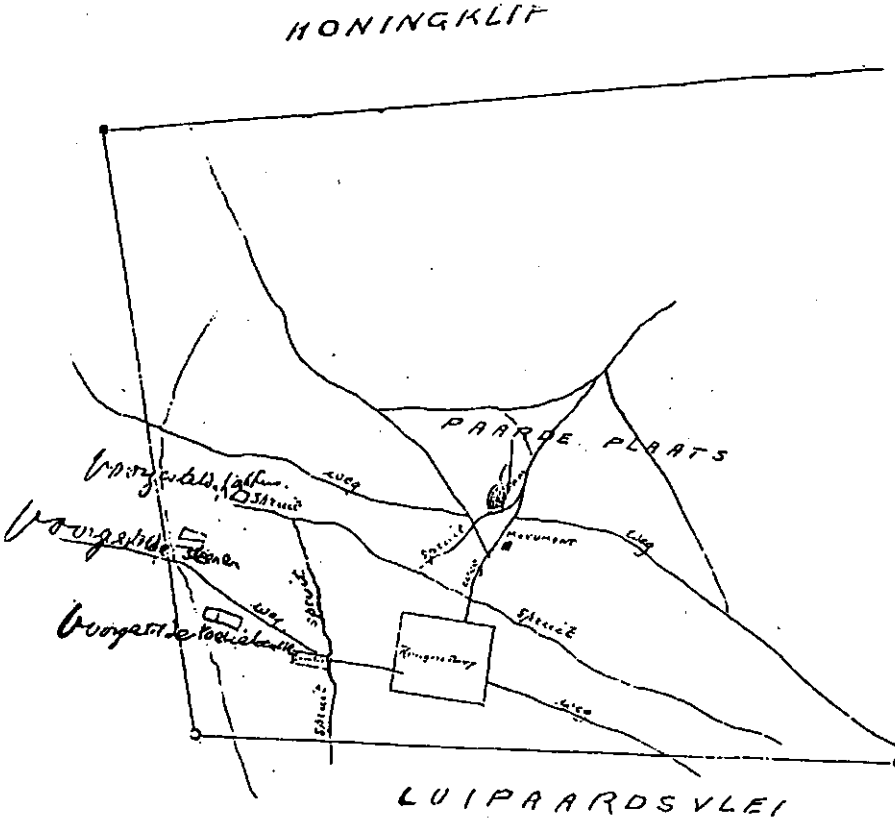
HWS 101

HISTORY WORKSHOP 1994

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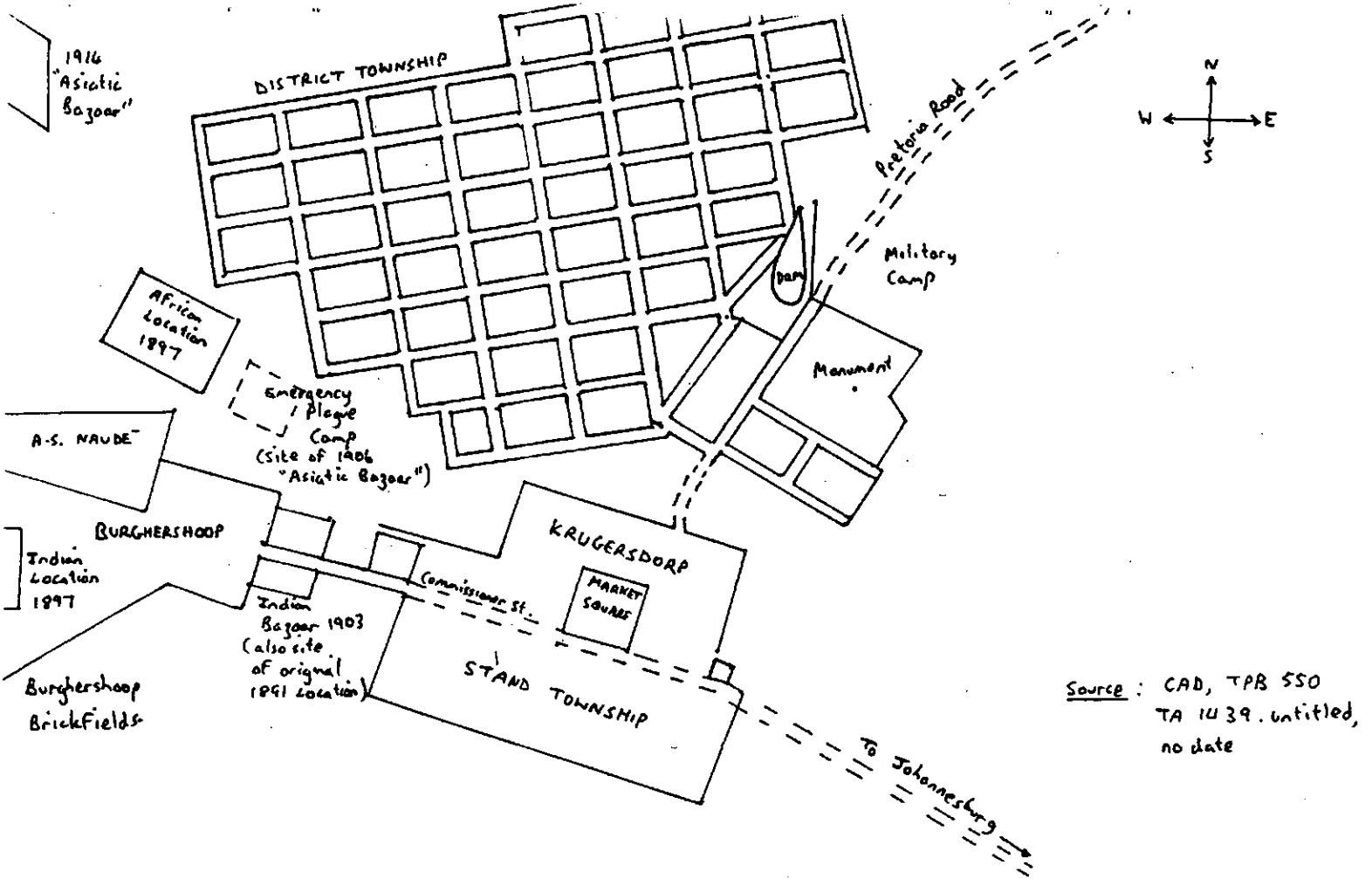
CHARLES DUGMORE JUNE 1994



Source : CAD, SS5391 RS 315/96

KRUGERSDORP 1896

MAP 1

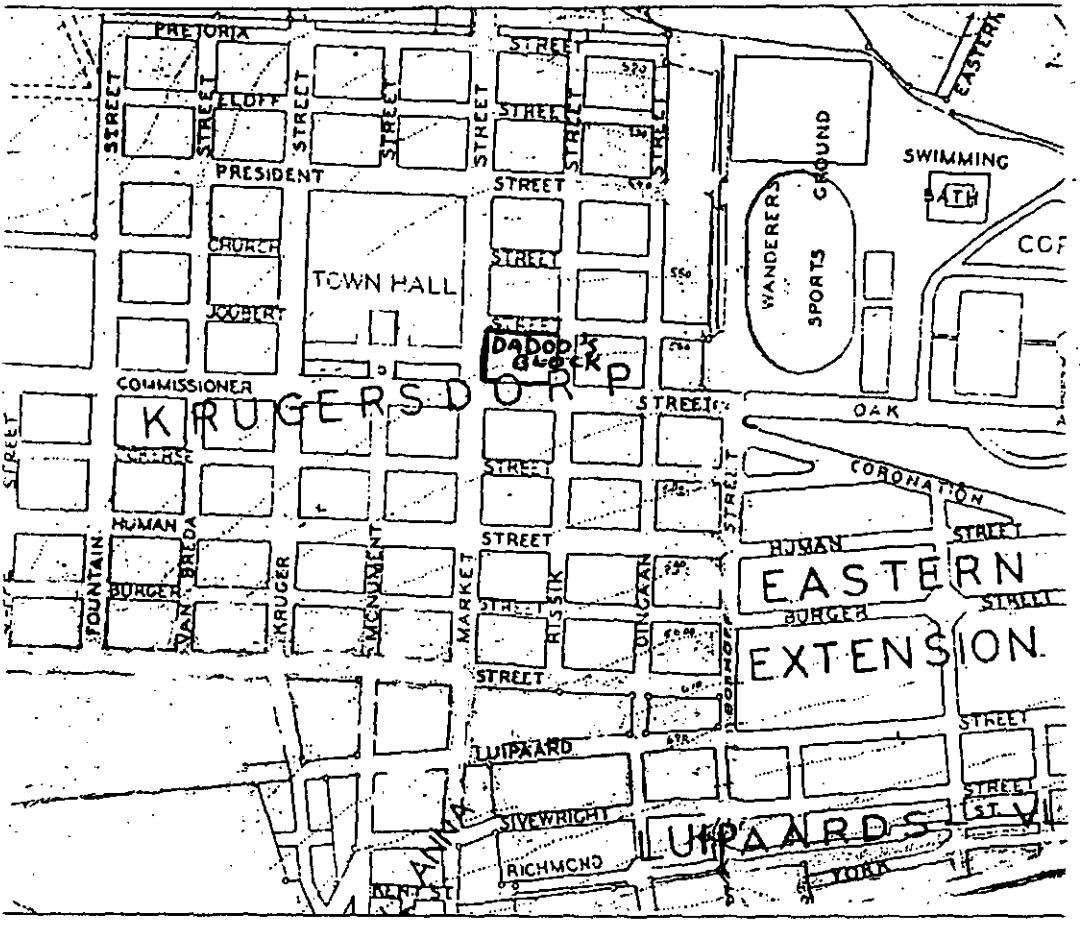


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MAP 2 KRUGERSDORP 1897 - 1910

TRADE WARS : THE CONFLICT BETWEEN WHITE AND INDIAN TRADERS IN KRUGERSDORP 1889 - 1920

Paper presented to the Post-Graduate Seminar,
University of the Witwatersrand
13th May, 1992
Charles Dugmore


PRETORIA
STREET
ELOFF
PRESIDENT
CHURCH
JOUBERT
COMMISSIONER
TOWN HALL
KRUGERSDORP
DADOO'S BLOCK
WANDERERS SPORTS GROUND
SWIMMING
OAK
CORONATION
EASTERN
EXTENSION
HUMAN
FOUNTAIN
BURGER
KRUGER
MONUMENT
MARKET
RISSIK
DUNCAN
BOSHOFF
LUIPAARD
SIVEWRIGHT
RICHMOND
YORK
ALBERT ST

MAP 3

Introduction:

A small group of white shopkeepers and professionals dominated Krugersdorp's Town Council between the period 1903-1923.[1] Virtually every Mayor, Deputy-Mayor or Chair of the Finance Committee, was a "merchant", "lawyer", "doctor" or "chemist".[2] They formed a majority of the Town Councillors and worked tightly together as "Independents", that is, ostensibly a-political representatives, who pushed through their own policies in the face of opposition from a minority of Nationalist and Labour Town Councillors. Outside the Town Council, the white commercial elite and professionals dominated Krugersdorp's white community's organs of "civil society": the Chamber of Commerce, the West Rand School Board and various church boards.[3] They also controlled the local newspaper.[4]

The white commercial and professional elite also gained legitimacy by organising social and sports events as the Presidents of social and sports clubs[5] as well as for their work on local charity organisations.[6] To seal their control over local white society, the white commercial elite and professionals

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[1]. See C. Dugmore, "City Fathers and Spoilt Children", M.A. Seminar Paper, Department of History, University of the Witwatersrand, 1990. For example, see Krugersdorp Standard, 19/2/03, there were four merchants and four professionals on the first Town Council elected in 1903, out of a total of fifteen.

[2]. Ibid, there were no less than three Mayors and three Deputy-Mayors from this class between 1903 and 1910. A good example is H.C.Tanner, President of the Chamber of Commerce for most of the years from 1903 to 1923, who served as Mayor during 1904-5 and 1911-2 as well as Chair of the Finance Committee during 1903-4, 1908-9 and 1910-15. Mayor's Minute, Krugersdorp Municipality, 1903-1917, various pages.

[3]. Ibid, see the Appendix which accompanied this paper.

[4]. Krugersdorp Standard, 6/11/09 and 12/10/18.

[5]. For example, H.S. Kingdon was a member of the Town Council from 1911 to 1912 and served as Secretary of the Krugersdorp Wanderers Club for the Association Football club, the Rugby Club and the Baseball Club. He was also a Town Councillor and member of the local Chamber of Commerce. See Krugersdorp Standard, 27/2/09, 20/1/06 and Krugersdorp Public Library (KPL) Mayor's Minute, 1911-2, p. 117.

[6] For example, Councillor Blevin served as secretary of the local Wesleyan Methodist Church and was heavily involved in charity work.

also dominated local chapters of the Freemasons,[7] the Royal Ancient Order of Buffaloes,[8] the Oddfellows League[9] and the Caledonian Society.[10]

The Indian residents of Krugersdorp existed in stark contrast to the white commercial elite and professionals. They numbered just 300 and, before the Anglo-Boer War, they were confined to the "Koelie Location". They could not vote in either municipal[11] or national elections and could not stand as candidates for the Town Council. They had no newspapers of their own, sat on no local boards and managed no sports or charity clubs. They were marginal to both local government structures and the formal structures of local "civil society" and were not even organised into any political organisations of their own.

The white commercial elite and professionals used the formal powers of local government, which included the right to "dis-establish" locations during epidemics[12] and the right to deny trade licences to "undesirable" persons,[13] to restrict Indian

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[7]. J. Mallet was Treasurer of the Freemasons in 1906 and also served as a Town Councillor and local member of the Chamber of Commerce. J. Seehoff, a well-known local merchant and Town Councillor served as the Worshipful Grandmaster of the Krugersdorp Lodge of Freemasons. See Krugersdorp Standard, 12/5/06 and Star, 18/6/92, respectively, and KPL, Mayor's Minute, 1903-1917, various pages.

[8]. Merchant and Councillor C. Regan was a prominent member of this organisation, see Krugersdorp Standard, 27/11/20.

[9]. Councillor E. Holmes was a member of the local Chamber of Commerce and proprietor of the Krugersdorp Standard, was a founder of the Oddfellows' League and was also reported to have had a "keen interest in all societies of a kindred nature." See Krugersdorp Standard, 6/11/09.

[10] For example, Councillor Breckenridge who supported the "Independents" in a crucial way, who was a member of the Caledonian Society, Krugersdorp Standard, 4/11/22. See also Krugersdorp Standard, 21/1/05, for the Chief Sanitary Inspector, a key Council official who was also a member.

[11]. Krugersdorp Standard, 19/9/03. It was announced at a Krugersdorp Ratepayers' Meeting that the municipal franchise "will be confined to white men only."

[12]. Central Archives Department (CAD), Notulen van der Tweede Volksraad, 1896, Regelen and Regulatien van het Krugersdorp Gezondheids-Comite', pp. 515-520.

[13]. Krugersdorp Standard, 12/8/05. See also KPL, Mayor's Minute, 1907-8, p. 31. The Town Council heard applications for licences from general dealers, greengrocers, bakers, butchers,

trading activity as much as possible, with the ultimate intention of driving these Indians away from Krugersdorp. This group was assisted by the central government's support for a policy of confining Indians to "locaties" during the Z.A.R. administration in the Transvaal, and to "bazaars" during the Reconstruction Period and the Botha/Smuts Administrations.

White residents in Krugersdorp apparently supported the campaign against Indians because most of them consistently voted for the white commercial elite and their allies in Town Council elections. Krugersdorp's white residents also regularly re-elected Sir Abe Bailey, who had a reputation as a "anti-Indian" legislator, as their Member for Parliament, after 1910.[14] The white commercial elite's policies were, thus, "democratically" supported, in the sense that most of the enfranchised people voted for them and this gave them the authority to carry out a blatantly discriminatory municipal policy aimed at destroying Indian traders as viable competitors to white shopkeepers.

Yet, by 1923, Krugersdorp's prime trading region, the Market Square, consisted almost entirely of Indian shops and one section had been re-christened "Dadoo's Block".[15] Indians flourished as general dealers or greengrocers in the heart of the town while Indian hawkers successfully plied their wares, door-to-door, directly to white homes. Many of the more marginal white shopkeepers, who were not part of the local commercial elite, went bankrupt or skirted the law by leasing their shops to Indians through the "Nominee System", in order to survive. The Indian Bazaar and Indian Location stood empty[16] while Indians infiltrated Krugersdorp's central business district and its Burghershoop suburb.[17]

In this topsy-turvy world, conventional conceptualisations of "civil society", "democracy" and "local government" become strained to breaking point. Local government was, according to at least one view, supposed to be a locus of power over which a particular group could gain control and then use this dominance over the organs of local government to oppress other groups to

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hotelkeepers, laundrymen, hawkers and pedlars.

[14]. CAD, GG 909, 12/105/9, Cape Times, Report of Parliamdntary Debates.

[15]. Report of the Transvaal Asiatic Land Tenure Act Commission, U.G. 50, 1935, pp. 4, 14, 16.

[16]. B. Pillay, British Indians in the Transvaal, p. 139.

[17]. KPL, Mayor's Minute, Report of the Chief Sanitary Inspector, p. 105

its own advantage.[18] Yet the white commercial elite and their allies, who enjoyed virtual unanimity within the Town Council for its policy towards Indians, could not force the Indians out of their location and into a Bazaar. They could not crush Indian Hawkers with draconian Hawkers and Pedlars' By-laws and could not stop Indians from running shops in Krugersdorp itself nor could they prevent these Indians from obtaining trade licences.

Despite controlling the key institutions of local "civil society" and regardless of the apparent democratic support that they enjoyed from white voters, the white commercial elite and the professionals, could not get white residents to support campaigns to boycott Indian shopowners or to refuse to deal with Indian hawkers. Instead white residents, in particular white women, the poorer, Afrikaans-speaking residents of Burghershoop and the farmers on the farms surrounding Krugersdorp, continued to support Indian shopkeepers and hawkers to such an extent that these Indians not only survived these campaigns but actually prospered during them.

It seemed as if the white municipal electorate would mark their ballots in favour of candidates from the white commercial elite and professional class, but would vote with their pockets against this group and in favour of Indian shopkeepers. In this way, the white electorate helped Indian shopkeepers and hawkers to flourish in the face of municipal policies pursued by the same men they voted onto the Town Council.

"Local government", "civil society" and "democracy" are terms used freely by social scientists who share a basic understanding of their content and perameters, a common "bottom line" that can facilitate academic discourse across different ideological backgrounds.[19] This paper suggests that even these basic conceptualisations will need further revision if they are to be useful tools of analysis that can be applied to Krugersdorp at the turn of the century. A pragmatic approach suggests that, for the moment, further detailed case-studies like the one presented below will be needed before any reformulations of old concepts can be attempted.

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[18]. P. Saunders, Urban Politics, a sociological interpretation, Greenwood Press, London, 1983, p. 159. Saunders argues that a crude Marxist conception of the state would include such a view and quotes V.I. Lenin in The State and the Revolution, that the state was "the organisation of violence for the purpose of holding down some class" (Lenin, 1960, 169).

[19]. While many academics have talked of the need for a common understanding in the use of specific concepts we must appreciate that this is a terrain of rapid change and fluidity, one can do no better, I suppose, than to simply keep up to date with what the latest interpretation of certain concepts.

This paper examines three key periods: 1887-1904, 1904-1909 and 1910-1923. The first period corresponds to the ZAR period and the early years of Reconstruction and investigates various attempts to remove the Indian location. The second period, 1904-1909, explores attempts to eradicate Indian hawkers; and the period of 1910-1923, investigates attempts to force Indians out of both the location and the town by closing down the location, establishing a distant Indian "bazaar" and by denying Indians trading licences.

In each of the above periods, one year is studied in detail as representative of the period and the policy under discussion. For the first period, the year 1904 is singled out because the Town Council actually succeeded in closing the Indian location in that year and restricted Indian trading activity completely during a Bubonic Plague scare. The Town Council subsequently experienced a series of defeats as Indians defied the municipal authorities and succeeded in saving their location. During the second period, the year 1908 is selected because it was during that year that the white commercial elite organised a White Hawkers' Association in a desperate bid to drive Indian hawkers out of business. The scheme failed spectacularly demonstrating how little support was given by white women, farmers and the Burghershoop residents to this campaign. The year 1920 is analysed in detail for the last period because, like 1904, the Town Council appeared to have been on the verge of a significant victory in their struggle to drive Indians from the town, only to be defeated yet again. This episode reveals the weaknesses of the white commercial elite's position during this period.

"A Quixotic Muddle": Attempts by the Krugersdorp Town Council to confine Indians to specific segregated "locations" or "bazaars", 1887 to 1904

When Krugersdorp was first established in 1887, shortly after the discovery of gold, it served as an administrative centre for the Krugersdorp Goldfields and housed the necessary officials, court house and prison to serve this purpose.[20] The town quickly expanded as shops, inns, boarding houses and taverns were established to serve the burgeoning numbers of black and white mineworkers who lived and worked on the goldfields.[21] These

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[20]. M.A. Schutte, "Die Geskiedenis van Krugersdorp, 1887-1900", (M.A. dissertation, Potchefstroom University of Christian Higher Education, 1976, p. 11. The town was established on 428 ha on the farm "Paardekraal" owned by M. Pretorius who insisted that the town be named after his close friend, President Paul Kruger.

[21]. Early shops included Tonkin and Du Plessis, May and Lewis and Hompes and Seehoff, see Ons Volk, 4/4/96. One of the first buildings erected was a "native registration office" in 1888, see Star, 14/3/88.

shopkeepers, tavernkeepers, boarding house owners together with some married white miners, built houses in the town, and by 1890, Krugersdorp had 431 white residents.[22] An unknown number of Africans and Coloureds also lived in the town, mostly in the backrooms of white homes where they worked as domestic servants or they lived in rooms adjoining the shops, taverns and boarding houses where they were employed as general workers. A handful of Indians, who eked out a precarious existence as hawkers and shopkeepers, also lived in the town.

By 1891, these Africans, Coloureds and Indians seem to have been sufficiently numerous for the local authorities to deem it necessary for them to be confined to their own location.[23] The local government or Gezondheids-Comite', which included white shopkeepers amongst its members, asked the central government to establish a "locatie" about one half a mile west of the town.[24] By 1897, the town had grown sufficiently to encroach on this location[25] and, again, the local government pressed for its removal.[26] In that year Indians were given their own "Koelie" location, a little further west of the town, adjoining a "suburb" for poor, Afrikaans-speaking whites called "Burghershoop", which was established in the same year. Africans and Coloureds were confined to their own "Kaffer" location, about one mile north-west of the town.[27] Again, most of the elected members of the Gezondheids-Comite', that supported this removal of Indians to a more distant location, were white shopkeepers and professionals.[28]

By 1899, three Indians had moved out of the Indian location and had begun to set up shops in the town itself despite the

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[22]. Star 21/4/90. See also Uitslag van die Volkstelling gehouden in der ZAR den 1stde April, 1890, Titel 1a, Algeheerde Blankebevolking Krugersdorpsche Goudvelden, Pretoria, 1891, which reveals that there were 1037 white men on the Krugersdorp Goldfields and 525 white women.

[23]. Star, 9/12/90.

[24]. CAD, Archives of the State Secretary (SS), 2077, R 9710/89, Mijn Commissaris, Krugersdorpsche Goudvelden na Hoofdmijnwezen, 16/9/89. See also telgram, Hoofdmijnwezen to Staatssekretaris, 2/4/90.

[25]. B. Burger, "Die Geskiedenis van Krugersdorp tot 1951", private manuscript, Krugersdorp Public Library, 1952, p. 11.

[26]. CAD, Archives of the Transvaal Local Government (TPB), 542, TA 1408, Asiatic Committee of Inquiry, 1910, evidence of J.A. Burger, p. 63.

[27]. Ibid

[28]. These included E. Hompes, W. Foster, J.C. Stegman and S. van Blommenstein, see Ons Volk, 28/12/95, 4/3/96 and 8/11/97.

provisions of Law 3 of 1885, the notorious "Koelie Wet", that prohibited Indians from owning property in the Transvaal Republic and which stipulated that Indians should be confined to locations for both residential and business purposes.[29] The Boer authorities were reluctant to act against Indians who violated the Koelie Wet in towns like Krugersdorp because the British Government had, for several years, castigated the Boer government for any incident of discrimination against "British Subjects", whether white, Indian or "Cape Coloureds".[30] This was part of strategy to win the franchise for the large numbers of white, English-speaking "Uitlanders" who lived on the Rand. There was also the possibility that the British could use evidence of discrimination against British subjects as causae belli to justify a declaration of war on the Boer Republic, or, at least, to paint the Boers as aggressors, so, again, the Boers prudently tried to avoid such incidents.[31]

After the Anglo-Boer war, Indians moved into Krugersdorp in greater numbers than ever before because they expected that the British, who had expressed such passion over their mistreatment by the Boers, would allow them to trade in white towns. The Milner Administration was dominated with young Balliol graduates dubbed the "Kindergarten" who were asked to devise government policy on the "Indian Question". Milner was sympathetic to a policy of granting some concessions to the more wealthy Muslim shopkeepers who originated from the Bombay Presidency and Surat on the west coast of India. These Indians were also known as "Passenger Indians" as they paid their own passages to Natal in the wake of indentured Indians commissioned to work on sugar-cane plantations in the same colony.[32] A policy of concessions to this group would have won over a small but influential elite to British imperialist interests in the Transvaal. As for the largely Hindu petty traders and hawkers, who originated from the Natal sugar workers who had completed their contracts,[33] Milner agreed that they should be confined to locations as they were under the Boers.

Milner's young Cabinet disagreed with a policy of granting concessions to the Indian commercial elite and opted, instead, for a policy of confining all Indians to what they called

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[29]. B. Pillay, British Indians in the Transvaal, (Longman, London, 1976), pp. 3 and 61.

[30]. CAD, TPB 542, TA 1408, Asiatic Committee of Inquiry, 1910, evidence of J.A. Burger, p. 63.

[31]. M. Swan, Ghandi: the South African Experience, (Ravan, Johannesburg, 1985), p. 56.

[32]. B. Pillay, British Indians in the Transvaal, p. 139.

[33]. M. Swan, Ghandi: the South African Experience, pp. 3 and 10. See also Asiatic Inquiry Commission, U.G. 21, Pretoria, 1921, pp. 2-3.

"bazaars", a name they thought would be palatable than "locations".[34] These young men were influenced by the new "segregationism" that replaced "repression" and "liberalism" in the thinking of British colonial governments by this time, and which grew out of Social Darwinist philosophy and the eugenics movement in Europe.[35] They also realised that white commercial interests in the towns, like Krugersdorp, strongly supported a "segregationist" policy to keep their Indian competitors in distant locations, out of the reach of white customers who had the most disposable income and who, therefore, were highly valued by all traders. White workers also supported segregationist solutions because they were concerned about losing their jobs to cheap black workers if they failed to secure a commitment by the government that the Transvaal was a "White Man's Country".[36]

The policy of confining Indians to bazaars was modified in 1903 by the government stipulation that these bazaars should not be placed far from white towns.[37] This concession to Indians originated from criticism by the Indian government during delicate negotiations by the Milner Administration to secure Indian indentured labour to work on the mines on the Rand. This occurred before the"Kindergarten" opted for Chinese indentured labourers to solve the labour shortage on the Rand. Krugersdorp's local government, then called the Health Board, was forced to establish an Indian Bazaar on the site of the original 1891 location,[38] but the white "merchants" and professionals on this body considered this a necessary compromise which would enable them to remove 18 Indian traders that had, by this time, established shops in the town.[39]

By 1904, only a handful of Indians had taken out stands in the Indian Bazaar[40] and the Indian traders in the town itself seemed set to stay. Krugersdorp's local government, which had by this

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[34]. B. Pillay, British Indians in the Transvaal, p. 143.

[35]. S. Dubow, "Race, Class and Civilisation: the elaboration of segregationist discourse in the inter-war years", ("Race, Class and Civilisation") in S. Marks and S. Trapido, Race, Class and Nationalism in Twentieth Century South Africa, (Longman, London, 1987), p. 80.

[36]. Krugersdorp Standard, 13/5/05.

[37]. CAD, TPB 542, TA 1408, Asiatic Committee of Inquiry, 1910, pp. 9-10.

[38]. Krugersdorp Standard, 13/6/03. See also CAD, Archives of the Colonial Secretary (CS), 322, 62061/03, Acting Colonial Secretary to the secretary for the Lieutenant Governor, 6/7/03.

[39]. Krugersdorp Standard, 6/9/02.

[40]. TPB 542, TA 1408, Asiatic Committee of Inquiry, 1910, p. 8.

time evolved into a Town Council with much more powers than its predecessors, tried to have the Indian location and the Indian shops in the town closed down on the grounds that Indians were insanitary and posed a health risk to whites in Burghershoop and the town. This cynical exploitation of the superstition and hysteria that accompanied crude Victorian knowledge of disease pathology to justify discriminatory policies aimed at Indians, was a common practice by Town Councils throughout South Africa. Swanson, who detected a similar tactic by the Town Council in Cape Town at the turn of the century, coined the phrase the "Sanitation Syndrome" to describe this policy.[41]

The dreaded medieval Bubonic Plague, the "Black Death", broke out in Johannesburg's Indian Location in early 1904, prompting the local authorities to take drastic action which involved the removal of the Indian residents to a distant location and the complete destruction of the Indian Location which was burnt to the ground.[42] The white commercial elite in Krugersdorp looked on in astonishment at how easily Johannesburg has solved its "Indian Problem" in single stroke and immediately decided to exploit this incident for all it was worth against Krugersdorp's Indians. The Krugersdorp Town Council wasted no time to enact a series of radical measures against local Indians under the guise of preventing a similar outbreak in the local Indian Location and in Krugersdorp generally.

The sweeping public health by-laws were applied with "full force and effect": firstly, Indians were prohibited from entering the Municipality; secondly, all Indians were banned from the Morning Market; thirdly, hawkers were prevented from carrying on their businesses; fourthly, Indians in the location had to "expose all their furniture to the sun's rays" and whitewash their houses and finally, Indians were subjected to the humiliation of surprise midnight "Inspections" by the Chief Sanitary Inspector to check on the cleanliness of their homes.[43] Local Indians complied fully with these unreasonable measures because they were as anxious as anyone else to prevent Bubonic Plague from spreading to their location.[44]

Not content with this enormous disruption to Indian trade and the now entrenched association of Indians with disease, the white commercial elite's representatives in the Town Council decided to exercise the coup d'grace' by removing the Indians by force

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[41]. M. Swanson, "The Sanitation Syndrome", in Journal of Southern African Studies, 18, 1972. See also R. Tomaselli,

[42]. Krugersdorp Standard, 26/3/04.

[43] Krugersdorp Standard, 26/3/04.

[44]. B. Pillay, British Indians in the Transvaal, pp. 5 and 80 sheds some light on Indian attitudes to vaccination: Muslims saw it as an "unclean" process while Hindus rejected vaccinations because they were cultivated in a bovine host.

to a "Plague Emergency Camp Site" followed by the destruction of the Indian Location "by fire" as the Johannesburg authorities had done. The "Sanitation Syndrome" was used effectively to win almost total support for this policy from the white residents.

The Indian residents fiercely resisted this proposed action. When the Chief Sanitary Inspector arrived in the Indian Location to formally announce the Town Council's decision, he was surrounded by 300 angry Indians who shouted him down. The police had to be called in and twelve Indian "ringleaders" were arrested. These Indian leaders were rushed to the Magistrate's Court and charged with refusing to comply with a lawful order given by the Town Council, while the Indian residents crowded noisily around the court house.[45]

The Magistrate found the twelve Indians guilty but suggested that if they spoke to the Indians outside the court house and convinced them to comply with the Municipality's orders, he would allow them to go free. If they refused his offer, he warned the leaders that he would be "very severe with them." The Indian leaders decided to comply with the Magistrate's order and the Indian residents were escorted with their belongings to the "Plague Emergency Camp Site" to the North-West of the town, where they were housed in tents.[46]

The white commercial élite had an apparently clear road ahead for them to achieve their aims and crush their Indian rivals for once and for all. They controlled the Town Council which had astonishingly wide-ranging powers during the outbreak of an epidemic; they controlled the only newspaper in the town, The Krugersdorp Standard, which it used to promote the most rabidly xenophobic accusations against Indians; it wielded unchallenged authority over local white residents through its control over white political, social and economic life in the town and it apparently had the government, courts and broad "public opinion" on its side.

Yet, two months later, the white commercial elite was in a worse position than it was before the Bubonic outbreak: it owed substantial sums of money, the Indians were back in the location, Indian shops began springing up in the heart of the town and the government seemed to be paralysed into inaction. How did it come about that so powerful an elite was forced into snatching defeat from the jaws of victory ? In a nutshell, the white commercial elite had not taken into account the determination and courage of Indians and the extent to which the Town Council lacked power in reality. The effects of British law and the unwillingness of the Milner Administration to take a firm stand on virtually any matter, in the anticipation that representative government was imminent, were also factors that need to be taken into account when explaining this dramatic reversal of fortunes.

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[45]. Krugersdorp Standard, 2/4/04.

[46]. Ibid.

The first blow came from the Rand Plague committee which was set up to assist local authorities with the financial costs incurred due to the plague. This Committee voted to refuse any financial assistance to Krugersdorp because no case of Bubonic Plague had been reported for the town.[47] The cost of removing Indians and all other actions taken by the municipality had, therefore, to be borne by the Krugersdorp Town Council alone.

A further blow came from the government which informed the Krugersdorp Town Council that they had acted ultra vires when they prohibited Indians from entering the municipality, from attending the local market and from hawking.[48] The Town Council was ordered to immediately lift these unlawful restrictions. Had Bubonic Plague actually broke out in Krugersdorp then it appears that the Town Council could have legally applied these powers but in the absence of any such outbreak, the Town Council had no right to restrict Indians in this way.

The hardest blow came from the Indians themselves when they refused to accept the Town Council's valuation of Indian houses and shops in the location and this forced the Town Council to delay its plan to destroy the location. The Indian location residents obtained an independent valuation for twice the Town Council's estimate and presented it to the Town Council as a counter proposal.[49] The Town Council was strapped for money and could not afford to pay the Indian residents' inflated estimate in the absence of financial support from the Rand Plague Committee. Furthermore, the Town Council balked at challenging the Indian valuation in the courts because of the expense that this would incur and its recent experience of having its actions declared ultra vires.

The Indian residents were advised by a young Indian barrister, Mohandas Ghandi, who, by this time, had already gained a reputation as a tough opponent of anti-Indian legislation that was to earn him fame through the passive resistance movements, a few years later. Ghandi advised the Indian residents to move back into their homes and shops in the location as the Town Council clearly lacked the financial means to carry through their threat to destroy the location and that it was probably acting beyond its powers if recent events were a suitable guide. The Indian location residents agreed to this advice and openly defied the Town Council by re-occupying their homes and their shops. The Town Council warned bitterly that the Indians were acting at their own risk but did nothing about the defiance.[50] The local newspaper expressed the white commercial elite's disgust at the way that their representatives in the Town Council had been out-

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47. Krugersdorp Standard, 19/11/04 and 7/5/04.

48. Ibid.

49. Krugersdorp Standard, 16/4/04

50. Krugersdorp Standard, 18/6/04

manoeuvred by the Indians and condemned their Councillors for the "quixotic muddle" they had produced.[51]

While it was still reeling from its beating, the white commercial elite then received the hardest blow yet. In May, 1904, a supreme court judge handed down a decision that had wide-ranging implications for Indian and white shopkeepers alike. In the case of Habib Motam vs Rex, which involved an Indian shopkeeper in Johannesburg, the judge held that if the various laws aimed at Indians required that Indians should trade only in those places,

> "in which they lived and peopled only by people of [their] own race, then [they] might for practical purposes, not trade at all."[52]

The judge concluded that Indians could not be restricted to locations or bazaars for trading purposes, and gave Indians the green light to move into the "white" towns. The white commercial elite at Krugersdorp, like their counterparts in the rest of the Transvaal, viewed the judge's decision "with alarm" and warned that,

> "unrestricted trading by Asiatics is against the interests of this country in general, and of the commercial community in particular."[53]

White shopkeepers throughout the Transvaal panicked and organised an "Anti-Asiatic Convention" in Pretoria in November, 1904, to protest against the judge's decision and to apply pressure on the Milner Administration to pass new legislation aimed at preventing Indians from trading outside locations.[54] Delegates from 30 different towns were represented, although, curiously, Johannesburg was absent, perhaps because it was the stronghold of wholesalers who benefitted heavily from selling to Indian retailers. Krugersdorp's white commercial elite was not content with a delegate from the local Town Council and sent its own delegate, the President of the Krugersdorp Chamber of Commerce. In addition, the local Licensed Victuallers' Association and the Krugersdorp and District Farmers' Association, also sent delegates.[55]

The Milner Administration was reluctant to act against a decision taken by one of its judges, and was, in any case, still involved

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[51]. Ibid.

[52]. Krugersdorp Standard, 20/5/04.

[53]. Krugersdorp Standard, 18/6/04.

[54]. Krugersdorp Standard, 19/11/04.

[55]. Ibid.

in delicate negotiations to secure Chinese indentured labourers to alleviate the labour shortage on the Rand's mines.[56] Already, by 1904, Milner acknowledged that a representative government had to be put into place and there was an increasing tendency to shelve important decisions and leave them for a future government, elected by whites, to consider.[57]

The white commercial and professional elite were, thus, left with a sizeable debt, and empty bazaar, an intact Indian location and a steady flow of Indian traders into the town, by the end of 1904. Their control over local government and the organs and institutions of local civil society, were not enough in the face of the determination of Indian residents who lacked both access to local government and to the formal organs of civil society. Sheer determination, an astonishing ability to use legal opportunities and the unwillingness of the central government to get involved, all outweighed the apparently enormous power of the white commercial elite in Krugersdorp.

"Dying a Natural Death" : the rise and fall of the Krugersdorp Vigilance Association and the White Hawkers Association and the strategy of trade boycotts in Krugersdorp, 1905-1910

The Krugersdorp white commercial elite were frustrated over the inability of the Town Council, which white shopkeepers effectively controlled, to force Indians out of the prime trading areas in the town, particularly around the Market Square. For the next five years, these white shopkeepers largely abandoned using the Town Council as a means to restrict Indian trading activities, and opted to take the struggle into "civil society" itself, where it felt that informal tactics could apply greater pressure on Indians to abandon trading in the centre of the town.

The main strategy of the white commercial elite was to encourage white residents to boycott Indian shopkeepers. If the white shopkeepers could not stop Indians from selling their goods in the town, at least they could prevent whites from buying those goods with the same intended effect: the ruin of Indian shopkeepers. White farmers would also be encouraged to stop supplying produce to Indian greengrocers and general dealers.

The first target of this new approach, however, was neither the ordinary white residents nor the farmers, but those white storeowners and landlords who allowed Indians to trade from their premises. These whites would sign the necessary documents to say that they were running trading businesses in the town, but only their names were used and the de facto ownership and control of these shops would be in the hands of Indians. This "Nominee" system was used before the Habib Motam decision but it continued to be preferred by Indians who were concerned that legislation

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[56]. B. Pillay, British Indians in the Transvaal, p. 139.

[57]. Ibid, p. 139. See also M. Swan, Ghandi, p. 128.

could overturn the court's decision.[58]

In 1905, the Krugersdorp Chamber of Commerce sponsored the formation of the Krugersdorp Vigilance Association (KVA) which immediately set about its task off collecting the names of all whites who leased their stands to Indians in the town.[59] There was some debate, at its first meeting, over what should be done with these names and one member suggested that they should be written on a blackboard which would be "carried around by a black man with a bell."[60] In the end, the meeting settled on the less bizarre approach of having the names published in the Krugersdorp Standard. The full list is reproduced in Table One.

Table One: the Names of white Standholders leasing their stands to Indians, the Indian lessees, and the nature of the business involved, in Krugersdorp Municipality, 1905[61]

White Lessor	Indian Lessee	Nature of Business	Number on stand	Stand Number
KRUGERSDORP				
W. Cunningham	Side Mohamed	General Dealer (GD)	5	354
	F Laloo Lalee	GD		
	Vanmal Koga	Bootmaker		
Estate Bodenstein	N A Dindi	GD	2	413
M Pretorius	Sulliman	GD	3	368
H Prinsloo	J Saley	GD	4	417
J Smit	R Chatabad	GD	4	375
D du Plessis	J Cayee	GD	3	306
J Jennings	Suliman Ezak	GD	1	177
J Bailie	M Temol	GD	3	175

[58]. B. Pillay, British Indians in the Transvaal, p. 139. Ghandi warned Indians about a potential white backlash and advised Indians to proceed with caution and moderation, but this was ignored by Indians who wanted to entrench themselves before any changes were made.

[59]. Krugersdorp Standard, 24/6/05.

[60]. Ibid.

[61]. Ibid.

R Curnow	A Suliman	GD	3	80
E Lombard	Bilman	GD	3	-
J vd Merwe	Essop Esmail	GD	2	erf 298

BURGHERSHOOP

A Naude'	H Mahomed, Amod etc. T Rantoola	GD Hawkers Barber	7	-
M Laguoisie	Mahomed etc. Charlie etc.	Hawkers Laundry	7	-
J Cornelius	Abram Bulla	GD	2	5
L Friedland	S Hassim Lala	GD Barber	4	37
J Human	Mohamed Vanim	GD	3	120
Robson and	A Bora	GD	2	90

RANDFONTEIN

J Lazorowitz	unclear	Hawkers	3	-
S Goldblatt	unclear	Hawkers	8	-

LUIPAARDSVLEI

De Wet	L Naidoo	GD	2	unclear
Wickham	Ram Sammy	GD	2	unclear
De Wet	Sabaya	Laundry	2	unclear

TOTAL STANDS : 22 TOTAL NO. OF INDIANS: 78

Note on source: this information was obtained from Krugersdorp Standard, 1/7/05. Some information was left out while other parts of the table were illegible. The Indian names have been taken down as they appeared in the newspaper so most of them are misspelt.

Most of the white standholders appear to have been Afrikaans-

speaking or Jewish, judging by their surnames. None of these men were prominent in the town except for "J. Human" who had served as a Landdrost before 1899[62] and later represented Burghershoop as a Town Councillor. "Estate Bodenstein" may have referred to the estate of the first Mining Commissioner for Krugersdorp.[63] Otherwise, none of these men were ever on the Town Council and none could be described as people of substance in the town. It seems probable that most of these white standholders were economically marginal and were struggling to make ends meet when they leased their stands to Indians.[64] They were probably offered higher rents from Indians than white tenants were prepared to pay as well as less formal inducements like bribes. During the recession that characterised the Rand from 1904 to 1906, these marginal white shopkeepers or standholders, were probably willing to risk the white public's condemnation and the white commercial elite's wrath, in order to secure an income from their stands.

There is some evidence of the economic marginality of these white standholders and the effects of the recession on their willingness to lease to Indians. Kaplan and Aronowitz, who leased their stands to Indians but who were not mentioned in in Table Two, pleaded for understanding from white residents, through the local newspaper, by pointing out that they were "victims of circumstance".[65] Another standholder and property developer, by the name of Thompson, wrote a letter to the local newspaper and made it clear that he was,

"...building with a view to a reasonable

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[62]. B. Burger, "Die Geskiedenis van Krugersdorp tot 1951", p. 11.

[63]. Ibid.

[64]. The white commercial elite were all members of the Krugersdorp Chamber of Commerce and were wealthy, owned shops in the town, many were English-speaking and Anglican. See C. Dugmore, "City Fathers and Spoilt Children, the evolution of Krugersdorp's Town Council, 1887 to 1923", M.A. seminar paper, History Department, University of the Witwatersrand, 1990. In contrast, more marginal shopkeepers did not belong to the Chamber of Commerce but rather to the West Rand Storekeepers' Association, see Krugersdorp Standard, 14/2/14, and, according to the same source, many of these poorer shopkeepers were Jewish and many were eating house keepers, see also Krugersdorp Standard, 7/12/07. For more on Jewish immigration and the role of "Peruvians" in eating houses and canteens, see C. van Onselen, New Babylon, Studies in the Social and Economic History of the Witwatersrand, 1886-1914, (New Babylon), (Ravan, Johannesburg, 1982), chapter One, "Randlords and Rotgut". See also C.M. Rogerson, "'Shisha Nyama': the rise and fall of the Native Eating House Trade in Johannesburg", History Workshop Paper, 1987.

[65]. Krugersdorp Standard, 13/5/05.

> return on my money and not for ornamental purposes only...[and] unless some enter-prising European thinks it is worthwhile to rent the place, I will have to treat applications from others with more consideration."[66]

The KVA, perhaps, realised that this was a fruitless approach to take and shifted their focus to white customers instead. Their approach was to warn whites of the long-term effects that their support for Indian shopkeepers. For example, they highlighted what had happened in Natal where Indians had taken over market gardening, dominated the retail of fruit, vegetables and eggs, held minor government billets, and earned a living as gardeners, grooms and builders. They warned that this "was the coolie in Natal, what he will eventually turn out to be in the Transvaal can only be left to the imagination."[67] The idea was that white shopkeepers were the last line of defence against an onslaught of Indians against every conceivable occupation then held by whites, that once white shopkeepers had been driven into bankruptcy, it would be impossible to guarantee job security for whites as employers would opt for cheaper Indian labour.

The KVA appeared to have little initial success with its call for a boycott of Indian shops by white residents. A clue to its failure was a series of letters sent to the Krugersdorp Standard, which pointed out that not only were Indian shopkeepers much cheaper than white shopkeepers but that they also treated customers with respect while white shopkeepers treated their customers in an "abrupt and uncivil manner".[68]

The white commercial elite did not rest with the two approaches mentioned above but also focused on Indian hawkers because these Indians cut into their trade quite considerably through door-to-door sales directly to white homes. In addition, many Indian shopkeepers were partially dependent on the hawkers who bought their goods from them. Some hawkers also paid some rent to the Indian General Dealer in return for storage space while many hawkers owed substantial loans to the more established Indian traders.[69] If the Indian hawkers could be driven out of business then the more wealthy Indian shopkeepers could be ruined as well

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[66]. Krugersdorp Standard, 29/4/05.

[67]. Krugersdorp Standard, 13/5/05.

[68]. Krugersdorp Standard, 23/7/04. See R. N. Spanoudes, "Patterns and Processes of Cafe Retailing in Johannesburg since 1893", (M.A. dissertation, University of the Witwatersrand, 1988), on more about creating "goodwill" with customers.

[69]. R. Tomaselli, "The Indian Flower Sellers of Johannesburg: a history of people on the street", in B. Bozzoli (ed), Town and Countryside in the Transvaal, (Ravan, Johannesburg, 1983), mentions this practice.

and, in this way, Indian hawkers served as the soft underbelly of Indian shopkeepers. Indian hawkers were also the most numerous as Table Two demonstrates so if they could be persuaded to leave Krugersdorp then the number of Indians would be greatly reduced, leaving the remaining Indian shopkeepers isolated and vulnerable.

TABLE TWO KRUGERSDORP'S INDIANS AND THEIR OCCUPATIONS: 1906

OCCUPATION	NO. OF INDIANS
HAWKERS	125
GENERAL DEALERS AND ASSISTANTS	55
LAUNDRYMEN	17
HOTEL WAITERS AND COOKS	4
PUMPMEN AND FOREMEN	3
TAILORS	3
OTHER (INCLUDES "DOMESTIC" AND CHILDREN)	49
TOTAL	258

The white commercial elite's first strategy was to briefly revive its old approach of using its domination over the Town Council to push through by-laws that could restrict Indian traders. The Krugersdorp Chamber of Commerce wanted to make sure that its representatives got it right this time and actually sent a list of recommended by-laws to the Town Council.[70] Aside from a few minor changes, the Town Council passed these by-laws virtually verbatim and sent it through the bureaucratic channels to ensure that it was given the appropriate stamp of approval. There was a six month delay caused by one official who decided that uniformity amongst all the municipalities on hawkers by-laws was desirable and wrote to all the Town Councils in the Transvaal and encouraged them to send in their own recommendations.[71]

The 1905 "Hawkers and Pedlars' By-law" curbed the trading activities of Indian hawkers quite considerably. Hawkers could not remain in the same spot for more than 20 minutes and could not re-visit the same spot in 24 hours.[72] This alleviated the damage caused by hawkers to white shopkeepers who had to pay rent and other overheads like the wages of white shop assistants and, therefore, could not afford to compete with hawkers' prices.[73]

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[70]. Krugersdorp Standard, 27/10/04.

[71]. Krugersdorp Standard, 20/1/06.

[72]. Ibid.

[73]. Krugersdorp Standard, 17/11/06, an article pointed out that "the storekeepers.. have to pay rents, licences and contribute towards municipal revenue but are quite helpless against such a class of traders and practically have to trade at a loss."

Indians had to pay 5 pounds for a hawkers' licence, (the Krugersdorp Chamber of Commerce wanted it to be fixed at seven pounds) which was a considerable sum of money, amounting to a month's wages for better off black workers like mine clerks. Hawking without a licence was penalised with a draconian 10 pound fine.

The white commercial elite was heartened by their success, so far, in getting these harsh by-laws enacted. They were also pleased at the "anti-Asiatic" attitude of the Het Volk Party, formed in 1905, which grew out of the Transvaal Farmers' Association and its predecessor, Krugersdorp and District Farmers' Association (somewhat ironically given the support that Krugersdorp farmers gave to Indians, as will be demonstrated). The Het Volk Party was a mixture of farmers, politicians, ex-Boer generals like Botha and Smuts and professionals, the majority of whom were Afrikaans-speaking and which aimed to have representative government returned to the Transvaal.[74] The farmers that made up the party wanted to have Chinese indentured mineworkers returned to China mainly because this labour policy did assist them with their own needs but also because many Chinese had deserted the mines and fled into surrounding farms where they raided crops and animal pens and some assaulted farmers.[75] The Afrikaans-speaking professionals in the party wanted Indian immigration and Indian mobility to be restricted, perhaps because they feared that Indians were entering the professions in Natal and elsewhere and would ultimately squeeze out white professionals by offering lower fees to clients.

On a local level, G. van Blommenstein, stood successfully as Het Volk candidate in the Krugersdorp municipal elections in 1905 and a number of years thereafter. His personal anti-Indian bias could be explained partly from his occupation as a "law agent". It was striking how many lawyers were in the forefront of what was then called "anti-Indian" agitation, and this may have been the result of insecurity over the increasing penetration of Indians into the ranks of barristers and lawyers in Natal and elsewhere, where Ghandi was a supreme example.[76] In addition, many lawyers earned much of their bread by representing Town Councils, as Blommenstein did for the Krugersdorp Town Council, and it clearly would not be to their advantage if they expressed any sympathy for Indians that clashed with the views of their most important clients.

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[74]. A. Jeeves, Migrant Labour in South Africa's Mining Economy: the struggle for the Gold Mines' labour supply, 1890-1920, (University of the Witwatersrand Press, Johannesburg, 1985), p. 62.

[75]. See, for example, Krugersdorp Standard, 15/7/05, 2/9/05, 9/9/05, 24/2/06.

[76]. B. Pillay, British Indians in the Transvaal, p. 169, Pillay quotes the Lieutenant-Governor Lawley who warned that the professions were opened to "invasion" by Indians in South Africa.

When the Het Volk Party came to power in 1907, one of its first actions was to pass a law that required Indians to carry around "registration documents" and to be fingerprinted.[77] These documents were not unlike the passes that Africans had to carry around and the similarity was not lost on the Indians, especially the Muslim elite. They feared that this was the first step of a long list of discriminatory legislation which would reduce Indians to the same rightless level as Africans, a fate that Indians had avoided by making strenuous attempts to exploit the predisposition of British officials to heirarchise "blacks" into a descending strata of levels with Indians on top and Africans at the bottom. The Indians also tried to emphasise their "British" roots as Indians who originated from British colonised India and pointed to the "high civilisation" of Ancient India, all to no avail.[78]

The campaign involved the "deliberate disobedience of the law in order to court jail sentences" with Indians refusing to take out registration documents.[79] By filling the jails, Indians hoped that they would create sufficient administrative difficulties and place the Transvaal government under sufficient international pressure to force it to repeal the Act. The campaign was impressive, attracting meetings of up to 3000 Indians in towns like Johannesburg and Pretoria. When the deadline for registration had passed in October, only 545 out of total of 7 000 Indians had taken out registration certificates.[80]

The government was forced to extend the deadline by a month. When this had no effect, it announced that trade licences would not be issued to Indians without registration certificates. In Krugersdorp, the Town Council enthusiastically refused licences to "a large number of Chinese and Indian hawkers" because "virtually none had the required papers".[81] This did not seem to worry the Indian hawkers and shopkeepers at first and the Town Council later reported that "practically all the Indians are trading without a licence."[82] On January 14th, 1908, Indians closed down their stores for the day to protest against the Act

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77. Krugersdorp Standard, 11/5/07, Act 2 of 1907.

78. M. Swan, Ghandi: the South African Experience, p. 138, Ghandi formed SABIC to lobby the British Parliament against the Act. In response, G. van Blommenstein used his position as president of the Transvaal Municipal Association to mobilise Town Councils to write to the British government in favour of the act and so "strengthen (Prime Minister Louis Botha's) hand", Krugersdorp Standard, 1/4/08.

79. M. Swan, Ghandi: the South African Experience, p. 112.

80. Ibid, p. 113.

81. Krugersdorp Standard, 11/1/08.

82. Ibid.

and the harassment they experienced.[83] During the following week, a number of Indian hawkers were arrested for trading without a licence and were jailed. Two Krugersdorp Indians were sentenced to deportation which led to an angry meeting of Indians in the Market Square.[84]

Eventually the hardships of jail, deportation, loss of income and harassment experienced by Indians, overcame them and Ghandi conceded to an agreement with Smuts whereby Indians would take out registration certificates and, in return, the government would repeal the Act. Indians took out these certificates and regained their trade licences as a result. Smuts, however, later denied that he had ever made such a promise to Ghandi and refused to repeal the Act. Ghandi declared the campaign re-opened and resistance began anew from June onwards.[85] This time the campaign involved smaller groups of Indian volunteers called "satyagaris", mostly hawkers, who would deliberately break the law by hawking without a licence and opt to go to jail instead of paying the fine.

The white commercial elite appeared to have been shaken by the deliberate defiance of laws by Indians and, again, abandoned using the formal powers Town Council in their fight with local Indians. Instead, they re-adopted the idea of a boycott by whites of Indian shopkeepers but added a new campaign aimed at Indian hawkers specifically, perhaps in view of the role that hawkers played in the ongoing passive resistance campaign. The white commercial elite acknowledged that Indian hawkers were very convenient for white women who could buy goods at their own door and specially targeted these women for their new campaign. White women were specifically asked to attend a public meeting in the Town Hall where the "balcony was to be reserved for ladies and no smoking was to be allowed in any part of the hall."[86] Both these features were most unusual at a public meeting in this region of tobacco farmers[87] and patriarchs.[88]

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[83]. Krugersdorp Standard, 18/1/08.

[84]. Krugersdorp Standard, 25/1/08.

[85]. M. Swan, Ghandi: the South African Experience, pp. 164-5.

[86]. Krugersdorp Standard, 8/2/08.

[87]. Krugersdorp Standard, 18/4/03.

[88]. White women had no municipal vote until 1914, see Krugersdorp Standard, 13/6/14, and only made up 24% of the electorate thereafter because the majority of the Rand's population was still male, see Krugersdorp Standard, 13/9/13 and C. van Onselen, New Babylon, p. 9. For more on the patriarchal nature of the Rand during this time, see K.A. Eales, " Gender Politics and the Administration of African Women in Johannesburg, 1903-1939", (M.A. dissertation, University of the Witwatersrand,

The white commercial elite realised that they needed to provide a satisfactory alternative to Indian hawkers and hatched a rather bizarre scheme of rounding up local unemployed white men, providing them with some equipment and a loan, and setting them to work as "white hawkers". The public meeting was then called with the intention of introducing the white public to the "White Hawkers' Association". The Chamber of Commerce, which organised the meeting, provided a speaker who warned the white hawkers present that they could only expect to win the support of the white residents if they "took the whole initiative themselves [and] supplied a cheap article and provided it systematically."[89]

The white shopkeepers had mixed feelings about the white hawkers and certainly had no intentions of incurring any expenses, other than their initial outlay, to support these hawkers. The white hawkers, if they became successful, would have cut into the profits of the white commercial elite as much as the Indian hawkers had done, so it is not clear how this scheme was supposed to assist the white shopkeepers, unless they planned to pull the plug on these white hawkers as well, once the Indians had been driven out of the town.

Some white shopkeepers were openly critical of the white hawkers especially of their practice of extending credit to white customers. The white hawkers' representative wrote in reply, to the local newspaper, that white hawkers were forced to extend credit because white customers had grown to expect this from Indian hawkers. The white hawkers also grumbled about the lack of support they received from white shopkeepers who refused, in turn, to sell goods to the white hawkers on credit, as Indian shopkeepers did for Indian hawkers, which made it very difficult for them to survive.[90] White women continued to support Indian traders and this further weakened the white hawkers. After a short time, the local newspaper reported that the White Hawkers' Association had "died a natural death."[91]

One of the reasons for the failure of the White Hawkers' Association was the lack of support it received from local farmers and the Afrikaans-speaking residents of Burghershoop. While the Association was still functioning, one white hawker complained that,

> "...the Indian hawker relies exclusively on the Dutch farmer and the greater

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[89]. Krugersdorp Standard, 14/3/08.

[90]. Krugersdorp Standard, 14/3/08.

[91], KPL, Mayor's Minute, 1907-8, Report of the Mayor, p. 9.

> proportion of the Dutch population for his existence...they must do their share in assisting in the general struggle of white versus Asiatic in trading matters."[92]

In 1908, the white commercial elite, formed the Krugersdorp White League, specifically to address this lack of support for the trade boycott and white hawkers from Afrikaans-speaking residents of Burghershoop and the farmers who lived around the town.[93] The League planned to take down the names of all whites who bought from Indians and adopted a much more aggressive approach than previous organisations established by the white commercial elite. The failures of the KVA and the White Hawkers' Association, as well as the effects of the 1906-8 recession, had clearly hardened the attitudes of white shopkeepers and this led to a clear rift between English and Afrikaans-speaking residents of the town.

The first unpleasant incident occurred at the Morning Market when the secretary of the White League approached a local farmer and asked him to support the League and refrain from dealing with Indians. The farmer angrily replied that he would "defy the League and all of its ways". The farmer was then dismayed to see that no-one was prepared to buy his forage which was up for sale until someone from Johannesburg bought it for far less than its market price. The local newspaper commented that the farmers now understand that the League "means business".[94]

Over the following few years, the White League continued to target farmers and the Afrikaans-speaking residents for criticism. In 1911, the local newspaper printed a "census" produced by the League which pointed out that "74.44 percent of the whites who supported Indian storekeepers were Dutch, 23.54 percent were British and 2.02 percent were Jewish."[95]
This "census" caused a great deal of anger, not only amongst local "Dutch" white residents but also from Afrikaans-speaking whites from towns other than Krugersdorp. The Afrikaans language newspaper, De Volkstem, said that while it was possible that the "Asiatic traders in the Transvaal receive[d] the greatest support from the poorer class of Africander", it felt that would have been a more useful exercise to assess how much the Indian trade was worth and what economical value Indians had for the country rather than make "all kinds of stupid insinuations."[96] The

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[92]. Krugersdorp Standard, 25/1/08.

[93]. Krugersdorp Standard, 19/9/08. One of its stated aims was to "protect the European from extreme Asiatic competition."

[94]. Krugersdorp Standard, 17/10/08.

[95]. Krugersdorp Standard, 9/12/11.

[96]. Ibid.

comment was pertinent as little was known about exactly how much of the retail trade the Indians actually dominated and whether all this talk of Indian "invasion" was not heavily out of proportion to the threat actually posed to white traders.

One letter written to the Krugersdorp Standard attempted to put the reaction of the white commercial elite to Indian traders into perspective. It pointed out that there were just 100 000 Indians in the whole of South Africa and just 9 000 in the Transvaal and that these Indians collectively sent out just 500 000 pounds a year to families back home, an average of 5 pounds per head.[97] So clearly Indians did not make much money out of retail trade which only a minority of these Indians engaged in, the rest still served as indentured labourers on the sugar plantations at this time or small market gardeners. With regard to Krugersdorp itself, the letter pointed out that between 1903 and 1905, eleven Indian traders had moved into the town and felt that it was a

> "pitiful thing to see a whole district of many thousands of white men shouting in terror because... 11 new Indian traders have spread themselves over an area of many square miles."[98]

Pillay has conducted more thorough research and has revealed that 29 000 trade permits were issued to "Europeans" between January and October 1903 but only 8016 were issued to Indians, so white shopkeepers outnumbered Indian shopkeepers about 3.5 to 1.[99] Most of these Indians were hawkers and pedlars so the comparison is not entirely fair, there were far few Indians who were actually shopkeepers. If the towns of the Transvaal, only 581 Indians had trading licences enabling them to run shops compared to 4 553 licences in the hands of whites, a white to Indian ratio of more than 8 to 1.[100] The most revealing statistic, however, is the gross monthly turnover of Indian traders compared to white traders and here research reveals that Indians produced just 1 040 542 pounds compared to 19 606 433 pounds turnover for white shopkeepers, a ratio of white to Indian traders of 19 to 1.[101]

There were many reasons for the Krugersdorp farmers' refusal to support the White League and the boycott of Indian traders. Firstly and obviously, Indian traders sold goods cheaper to white farmers than white shopkeepers did and, furthermore, they also extended credit. In addition, many Krugersdorp farmers used to pass through the Indian Location on the way to the Morning Market

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[97]. Krugersdorp Standard, 1/7/05.

[98]. Ibid.

[99]. B. Pillay, British Indians in the Transvaal, p. 162.

[100]. Ibid, p. 186.

[101]. Ibid.

and would stop to sell their best produce to Indians there because they fetched higher prices in this way.[102] Krugersdorp's farming region was part of the drier Western Transvaal region and the farmers there generally struggled against drought[103] and locust plagues. Other disasters like floods,[104] hailstorms and crop disease, could strike at any time so farmers greatly appreciated the extension of credit, cheaper prices and the better deals they obtained for the produce that they sold to Indians.

The inability of Indians to own land, ironically made them preferable as shopkeepers in the eyes of local farmers because Indians could never come into possession of farm land through law suits over money owed, unlike white shopkeepers. One Krugersdorp farmer made this clear at a Commission of Inquiry that sat outside the period under study here but which is quoted in full due to its clarity and pertinence to this paper:

> "The Indian trader was honest in his dealings, sells at a reasonable price, gives credit readily and does not press his creditors unduly [while a white trader was] dishonest, generally exorbitant and exacting, and aims at eventually getting a mortgage on the land of the debtor."[105]

In addition to these factors, there were many reasons why the local Afrikaans-speaking farmers, and their counterparts in Burghershoop, would want to avoid supporting the English-speaking white shopkeepers in the town. The Anglo-Boer War was hardly a decade old and many "Boers" remembered how their independence was wrenched from them by the British. The deaths of Boer women and children in the British concentration camps[106] and the much-resented Anglicisation campaign in the schools, caused deep wounds that had not yet healed.

Krugersdorp's farmers also felt neglected by the local Town Council which taxed those farmers who fell within the municipal boundary but failed to maintain the roads in a fit state of repair and neglected the dilapidated Market Square.[107] The

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[102]. Krugersdorp Standard, 22/2/03.

[103]. Krugersdorp Standard, 27/1/12, a severe drought reduced the mealie crop of Krugersdorp farmers by 20%.

[104]. Krugersdorp Standard, 22/3/19.

[105]. Asiatic Commission of Inquiry, 1921, p. 31.

[106]. CAD, CS 124 0543, untitled memo, 1/7/01, this source reveals that 3000 Boer men, women and children were held at the "Burgher Camp" at Krugersdorp during the Anglo-Boer War.

[107]. Krugersdorp Standard, 1/6/07.

farmers were also angry about the low prices they received from the white shopkeepers for their produce and the high profits that these shopkeepers made when the subsequently resold these goods at inflated prices. At several times the local farmers talked about forming their own co-operative stores to sell their produce directly to the public.[108]

The Afrikaans-speaking residents of Burghershoop shared many of the grievances of the farmers but they were much more ambivalent about the Indians. Firstly, they were notoriously racist and would only refer to Indians by the derogatory term "koelies". Many of them had been "by-woners" on the surrounding farmers but had run out of luck when these farmers began to commercialise their farms or when natural disaster devastated their small crops and herds.[109] They were very poor and hardly scratched out a living as brickmakers and cab-drivers. They were very bitter over their fate but refused to admit that they were on the same economic level as "kaffirs" and many refused to carry out manual labour because it was "kaffir work".[110]

In addition, Burghershoop's Afrikaans-speaking residents resented the local Indians because they were so dependent on them as suppliers of their necessities which took up all their money, and felt humiliated because they had to beg for credit from people who they looked upon as their inferiors. For these reasons, as well as fears over disease and the economic hardships that a quarantine would entail, they regularly and noisily called for the removal of Indians far from Burghershoop.[111]

Far from being an ally of the White League, however, the poor residents of Burghershoop were the best customers of Indians and consistently broke the trade boycott. It was the same poverty which made them resent and hate the Indians for their success and which drove them to demand the Indians' removal which also led them to break the boycott by supporting Indian shopkeepers.[112]

At this point, the Krugersdorp White League was plunged into controversy as its secretary, Mr. James, was seen buying fruit

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[108]. Krugersdorp Standard, 2/7/04 and 25/2/04.

[109]. For more on this group see C. van Onselen, New Babylon, chapter 4, "Johannesburg Jehus" and New Nineveh, chapter 3, "The Main Reef Road into the White Working Class".

[110]. Krugersdorp Standard, 15/4/06.

[111]. See, for example, De Voortrekker, 15/2/99.

[112]. In 1918, some Burghershoop residents actually signed a petition supporting the application of an Indian trader for a trading licence. It later transpired that some of the signatures were those of children and that the Indian had bribed many signatories with free butter - Krugersdorp Standard, 7/9/18 and 23/11/19.

from an Indian hawker. When confronted by local whites, Mr. James said that he needed to buy fruit and there were no white fruit sellers in the vicinity and so, he asked, "what was I to do ?" The newspaper article that reported the incident said that the answer was straightforward, Mr. James should have been prepared to "do without!"[113] Clearly the white women, farmers and poorer residents of Burghershoop did not agree that they should also have to "do without" or pay more to patronise white-owned shops, and so the trade boycott had virtually collapsed by 1910

A "Phyrric Victory": the Closure of the Indian Location and Denial of Trade Licences to Indian Shopkeepers, 1910-1923

I. The Campaign to Close the Indian Location, 1910-1914

By 1910, the white commercial elite had learnt a costly lesson from its unsuccessful attempt to use its domination over the formal organs of "civil society" to eliminate Indian shopkeepers. The white shopkeepers decided to abandon further boycott campaigns and the Krugersdorp White League was rendered a mere subcommittee of the Chamber of Commerce and sank into virtual obscurity in the decade that followed.[114]
Instead, the white commercial elite's representatives in the Town Council began, again, to use the Council's power to act against Indians. A number of letter were written to calling for assistance in closing down the Indian Location which resulted, eventually, in the appointment of the Krugersdorp Asiatic Locations Committee of Inquiry by the Transvaal Provincial Legislature, in mid-1909[115]

The white commercial elite took a great deal of interest in the Committee and it managed to obtain a representative on panel (but was unsuccessful in obtaining an additional representative which it later requested with in the hope of influencing the Committee's final decision).[116] The Committee heard a great deal of "evidence" from whites in Burghershoop as well as from some Indians in the location and from local government officials. Surprisingly, no white shopkeeper gave evidence and the reasons for this are unclear. Perhaps it was because they wanted to try a more low key approach and let the Burghershoop residents persuade the Committee. In this way, they could avoid the accusations of "trade jealousy" that Indians made in the past whenever white shopkeepers complained about Indian penetration of the town. There was a half-hearted attempt by Councillor

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[113]. Krugersdorp Standard, 27/8/10.

[114] Krugersdorp Standard, 18/2/11.

[115]. CAD, TPB 542, TA 1408, Rand Townships Registrar to the Assistant Colonial Secretary, 8/3/09.

[116]. Ibid, Town Clerk, Krugersdorp to the Assistant Colonial Secretary, 15/3/09.

Dieperink, who was a member of the local Chamber of Commerce, to revive the "sanitation syndrome" by accusing the Indians of leaving vegetables to rot on the ground in the location[117] but little came out of this after the local newspaper was unable to back up these reports when it went out to inspect the location itself.[118] Apart from this effort, most of the complaints were made by Burghershoop residents with a few remarks from the Mayor and the Chief Sanitary Inspector.[119]

In addition to complaints made by the marginal residents who made up the bulk of Burghershoop's people, there were also a small group of landlords that found it difficult to sell or rent houses to whites in the suburb because of the close proximity of the location. They also called for the removal of the Indians and had no ambivalent feelings about the possibility of losing a cheap source of goods because they were much wealthier then the average Burghershoop resident. One builder and landlord, Mr. Petersen, complained to the Committee that he had built a "few cottages" in Burghershoop near the location but found that he could not,

> "...let under any conditions unless someone is compelled to take them...it is the smell in the vicinity of the Coolies. When other people have gone to sleep, then the Coolies have church and they ring a bell, while others scream and sing. Then others, when one of them is sick, walk about with a drum and hit it all night, and if the man dies, the noise is worse. On account of these circumstances, the ground and houses we have near the Location, we must let for half their value because it is unpleasant to live in the houses."[120]

The Committee decided, after hearing all the witnesses, that the Indian Location should be closed and cited, as its motivation, the "extreme undesirability of having an Asiatic Location in such close proximity to a Township inhabited by Whites".[121] The location was not immediately closed, however, and it took a further four years for this recommendation to be carried out. The delay may have been caused by the pre-occupation of the government with the passive resistance campaign which grew

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[117], Ibid, Asiatic Committee of Inquiry, 1910, evidence of Councillor Halgryn, 1st Day, p. 15.

[118]. Krugersdorp Standard, 2/2/10.

[119]. Ibid, evidence of the Chief Sanitary Inspector, 1st Day, p.30.

[120]. Ibid, evidence of Mr. Petersen, 1st Day, p. 13.

[121]. Ibid, Committee's Report, p. 12.

increasing strident until large parts of Natal were paralysed by strikes and Indian coal miners at Newcastle were forced down the pits at bayonet point.[122] These events caused an international outcry which by 1914, which forced the government to grant concessions to Indians. These concessions included the abolition of the 3 pound tax in Natal and the entrenchment the status quo for existing Indian traders whose ownership of shops was formally recognized. The government, at the same time, imposed strict controls over Indian immigration and warned that it would not grant any further concess'ons to Dndians.

After the passive resistance campaign came to an end, the government turned its attention to the constant requests of the Krugersdorp Town Council to have the Indian Location finally closed down. The necessary powers were eventually granted and the Town Council issued eviction notices. The Indians chose to ignore these notices[123] and the Town Council applied to the Supreme Court for ejectment orders while, at the same time, it promised substantial compensation and help with transport costs in moving Indians to the new Indian Bazaar that was established to the north-west, some distance from the town.[124]

The Indians again refused to leave and the Town Council had a prominent Indian, Mohamed Hassan, arrested. He lost the subsequent court case and thereafter Indians conceded defeat and began to move out of the location.[125] The Town Council won a pyrrhic victory, however, as not a single Indian moved to the "Asiatic Bazaar". Instead, the Chief Sanitary Inspector reported that,

> "the Old Asiatic Location near Burghershoop has been closed for some time, but instead of the Asiatics being removed to the New Location, they are now occupying premises throughout the various Townships amongst the white population."[126]

"Digging in their Heels": the refusal of the Town Council to grant trade licences to Indian traders and the "Dadoo" case, 1914 - 1923

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[122]. M. Swan, Ghandi: the South African Experience, p. 255.

[123]. KPL, Mayor's Minute, 1913-4, Mayor's Report, p. 13. The Mayor complained that "no notice has been taken by any of the residents."

[124]. Ibid.

[125]. Ibid, p. 9, "in view of the legal actions taken byu the Town Council, the whole of the Asiatics left the premises." See also Krugersdorp Standard, 11/8/14.

[126]. Ibid, Report of .the Chief Sanitary Inspector, p. 105.

After 1914, the white commercial elite decided to continue to use its domination over the Town Council to devise strategies to attack Indian traders. This approach of using official channels and formal powers had been ultimately successful in closing down the Indian Location even if it had taken a long time and had led to a flood of Indians to the town itself. The white shopkeepers reasoned that if they continued to apply pressure on Indians through the Town Council, they could move the Indians out of the town and into the distant Bazaar. The Town Council gave the white commercial elite one weapon that it had never really exploited on a systematic basis before: control over trading licences. During the First World War, the white shopkeepers, therefore, used their control over the Licensing Committee to ensure that many applications for trading licences were denied to Indians.

However, this tactic was not exactly an unqualified success as the Indian shopkeepers would frequently challenge this refusal in the courts and magistrates would often order the Town Council to grant the licence because the Council had not proved the applicant was an undesirable person. In August 1918, after a string of successful appeals by Indians against refusal of trade licences,[127] the Magistrate observed that the Town Council

> "acted arbitrarily and capriciously and did not apply or bring their minds to bear on the application and that they were further influenced by improper and ulterior motives and considerations in that the appellant was an Indian."[128]

Some Krugersdorp's ratepayers grew anxious over the high costs of these court cases. In the same year, 1918, the Central Ratepayers' Association complained that the Town Council was engaging in "expensive litigation when a blind man could see that they were wrong."[129] By this, the Ratepayers' Association did not mean that the Town Council was morally wrong but rather that its strategy was misplaced. The Ratepayers pointed out that while Indians could appeal against refusal to grant trade licences, this strategy of refusing licences was fruitless. They felt that attention should rather by directed towards ending this right of appeal. The Ratepayers' Association proposed that,

> "the present law be amended to enable Councillors to exercise their fullest discretion...without being compelled to face an appeal in the court where the magistrates decision was final."[130]

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[127]. See, for example, Krugersdorp Standard, 11/3/14.

[128]. Krugersdorp Standard, 16/8/19.

[129]. Krugersdorp Standard, 6/12/19, see also 1/12/18.

[130]. Krugersdorp Standard, 16/8/19.

Why did the white commercial elite persist in this ineffective and expensive approach ? One explanation is that white shopkeepers were enduring real hardships during the First World War as inflation ate into paypackets and reduced disposable income, so fewer people spent less at the local shops.[131] Furthermore, a number of local mines closed down during or just before the war, including the Lancaster[132] and York mines,[133] which adversely affected white shopkeepers who depended on white miners for their livelihood. The population of Krugersdorp Municipality actually declined during the First World War and the immediate Post-War Period, and this further reduced the turnover of many white-owned shops and harmed white professionals.[134] Any strategy which could prevent or, at least, delay Indians from obtaining trade licences, was welcome in these circumstances.

This strategy also had some success in curtailing the number of Indians who acquired trading licences in the town. Not all Indians challenged these refusals in the courts which were time-consuming and expensive because many, like their white counterparts, did not have a spotless record concerning observance of Sunday Trading laws, health laws, Shop Hours Ordinances and other regulations. As a result, it was not that improbable that a reasonable case could be built against these Indians that they were undesirable in the terms of the guidelines governing the issue of trade licences. Some Indians may have wanted to avoid losing existing licences through a court decision that went against them and just accepted the refusal.[135]

During the post-war period, the white commercial elite seemed as determined as ever to persist in refusing trade licences to virtually every Indian that applied despite the obvious setbacks of such an approach. The post-war depression worsened the economic situation even further and some of Krugersdorp residents left the town to try make a living elsewhere like on the East Rand which had enjoyed a boom during the First World War through

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[131]. P. Bonner, "The 1920 Black Mineworkers' Strike", in B. Bozzoli (ed), Labour, Townships and Protest: studies in the social history of the Witwatersrand, (Ravan, Johannesburg, 1979), pp. 275-6.

[132]. Krugersdorp Standard, 18/1/13, the mines closure was reported to be "to the detriment of the trading community."

[133]. Krugersdorp Standard, 2/8/13 and 20/5/15.

[134]. This is clear if one compares the population recorded for 1911 and 1921. See KPL, Mayor's Minute, 1910-11, Medical Officer of Health's report, p. 92, and Krugersdorp Standard, 4/6/21.

[135]. For example, Mohammed Hassan accepted several refusals of this applications for a trade licence. See Krugersdorp Standard, 2/4/14, 1/8/14, 22/8/14 and 29/8/14.

rapid industrialisation which Krugersdorp was not able to achieve, for reasons that will not be discussed here. Inflation continued to rage[136] while demobilised soldiers returned to unemployment, adding to the economic hardships of white families with yet more mouths to feed.[137] The desperate white shopkeepers may have felt no choice but to plod on with this largely unsuccessful strategy in the absence of any alternative.

In 1919, the determination of the white commercial elite seemed to bear fruit as the Town Council won a Supreme Court appeal against a local Indian called Dadoo. In the case of Dadoo and Co. vs Krugersdorp Municipality, Dadoo had tried to evade the law that denied Indians property rights by forming a company, Dadoo Ltd, in which he was the primary shareholder, which he then used to buy property in Krugersdorp. The Transvaal Supreme Court held that,

> "the stands were virtually owned by Dadoo were transferred in the name of Dadoo Limited to evade the provisions of the law prohibiting Asiatics from being owners of fixed property. The Limited Company, Dadoo Limited; was manifestly formed to acquire what Dadoo himself could not hold."[138]

This victory crowned a renewal in "anti-Indian" campaigns on the Reef that had begun in mid-August, 1919, a few months earlier, when a number of delegates from various Town Councils met at an "Anti-Indian Congress" in Pretoria.[139] Krugersdorp's H.C. Tanner, President of the local Chamber of Commerce and Mayor of Krugersdorp for several years in earlier periods, gave a "stirring speech" while the Town Solicitor, local lawyer, L.J. Philips, was elected President of the Congress for its duration, in recognition of the lead that Krugersdorp gave in the struggle against Indian shopkeepers.[140] Phillips later became President of the South African League, an anti-Indian organisation that grew out of the Congress.[141]

By 1920, , the white commercial elite in Krugersdorp rode high on the crest of a wave of jubilation. They appeared to have some success in persuading other Town Councils to "subscribe towards

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[136]. P. Bonner, "Strike", p. 13.

[137]. During the Influenza Epidemic of 1918, health workers were shocked at the conditions in which many white families lived in "revolting slums...within Krugersdorp itself."

[138]. Krugersdorp Standard, 6/12/19.

[139]. Krugersdorp Standard, 16/8/19.

[140]. Ibid.

[141]. Krugersdorp Standard, 28/1/22.

the legal costs of any Asiatic cases which might be taken in the future."[142] Under pressure from the Congress, Parliament convened a Select Committee which recommended that,

> "steps should be taken to render it impossible for any Asiatic in future to obtain a trading licence for a new business."[143]

The 1919 Companies Act which emerged out of this Select Committee prohibited Indians from forming companies, in which they were the principal shareholders, in order to buy property. Just as in 1904, the white commercial elite appeared to be poised in a renewed campaign against Indians, using money collected by other municipalities, to conduct a vendetta through the court system and, in this way, placing pressure on the government to devise additional restrictions on Indians.

Unfortunately for the white commercial elite in Krugersdorp, just as they experienced a string of defeats after coming so close to eliminating their Indian rivals in 1904, so they again ran into a whole chain of setbacks in 1920, at the precise moment of one of their greatest victories and just as they were poised to exact serious harm on local Indians. One of the first defeats was the decision of a local Magistrate to uphold an appeal by eleven Chinese shopkeepers against a refusal by the Krugersdorp Town Council to grant them trading licences. The Magistrate complained that the Town Council had acted,

> "out of prejudice, malice and caprice.. [in] that the only reason for the refusal was that the applicants were Chinamen."[144]

A more serious defeat occurred when Dadoo appealed to the Appellate Division of the Supreme Court in June 1920. The Chief Justice quoted from the British case Salomon vs Salomon and Co., 1897, A.C., and pointed out that when,

> "after incorporation, the business is precisely the same as it was before, and the same persons are managers, and the same hands receive profits, [it should not be construed that the company is]... the agent of the subscribers or a trustee for them."[145]

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[142]. Ibid, 10/5/19.

[143]. Ibid.

[144]. Krugersdorp Standard, 12/6/20.

[145]. CAD, GG 909, 15/1030-1002, Supreme Court Records, A.D. Dadoo Ltd. vs the Municipal Council of Krugersdorp, p. 15.

Rather, the British judge pointed out, the company had a "separate legal existence". The Appellate Division of the Supreme Court felt that this principle had been accepted into South African legal practice as it underlay Company Law, contracts and most of the Mercantile Law used in the country. The judge went onto argue that what Dadoo did was not to take advantage of some mere technicality but that, when he formed his company, he established something "different in law and in substance from what the state prohibited."[146] Three judges in all agreed with this interpretation while only one dissented.[147]

The effect of the judgement was to render Act 37 of 1919 useless and only new legislation could thereafter prevent Indians from acquiring property through limited liability companies. The white commercial elite at Krugersdorp was devastated and, as in the Habib Motam case in 1904, they demanded that the government "legislate...to stem the ever-growing tide of Asiatic commercial encroachment."[148]

Again, such demands were to no avail as the Smuts Administration was as reluctant as the Milner Administration had been to undermine its own judiciary by immediately legislating to overturn a legal judgement. In addition, what was involved was not a technicality but a crucial legal principle that underlay a large part of the legal framework of the capitalist system and this could not be simply tinkered with, it required in depth study and careful formulation of legislation to work around this sensitive issue. Also Smuts, like Milner sixteen years earlier, also had wider, international implications to consider. Smuts was involved in setting up the League of Nations was particularly sensitive about avoiding international criticism stemming from blatantly discriminatory legislation aimed at Indians.

The local newspaper caught the mood of the white commercial elite in Krugersdorp when it pointed out that,

> "the prolonged and costly litigation which has been carried out for a number of years between the Municipal Council and the Indian Community now seems to have reached its final stage as far as the Council is concerned, and Krugersdorp is in precisely the same position as it was when the original controversy was opened."[149]

As it expected, the Town Council soon faced a barrage of applications from Indians for trading licences and although the

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146. Ibid.

147. Krugersdorp Standard, 10/7/20.

148. Krugersdorp Standard, 10/7/20.

149. Ibid.

Licensing Committee felt that "none of the applicants are entitled to a licence" they decided that they had no choice but to grant the licences "under protest."[150]

This was not the end of the Town Council's problems and in an almost uncanny replay of the year 1904, when the Rand Plague Committee refused to assist Krugersdorp with the costs it had incurred in acting against Indians, the majority of the Town Councils voted against extending any financial assistance to Krugersdorp to help it cover the expenses it had incurred in the Dadoo case. Although a Krugersdorp Town Councillor, Hoatson, was the President of the Transvaal Municipal Association, he was not able to swing enough support from the Town Councils. Those Town Councils that were prepared to help Krugersdorp pay its legal expenses were only eight in all: Krugersdorp, Brakpan, Germiston, Heidelberg, Springs, Ventersdorp and Volksrust. Those opposed amounted to eleven Town Councils including those of Barberton, Benoni, Middelburg, Pietersburg, Potchefstroom, Roodepoort-Maraisburg, Standerton, Vereeniging and Rustenburg. Pretoria and Witbank were doubtful as to their legal right to contribute while Johannesburg and Klerksdorp remained undecided.[151]

The Krugersdorp Town Council was, thus, left with a bill of 670 pounds to pay off on its own. This was a large burden in the midst of a recession and especially since Krugersdorp's mining industry was in a state of collapse and the population had declined from 54 000 in 1911 to just 42 000 by 1921. Krugersdorp faced the gloomy prospect of becoming a ghost town. With this in view, a Labour Councillor criticised the "Independents" in the Town Council for wasting money and pointed out that it would have been better to use Council finances to provide,

> "...suitable roads for the farmers in the district [as it was] quite possible that they would have to rely on the agricultural industry in the days to come."[152]

Another "Asiatics Commission of Inquiry" was held in 1921 gave the white commercial elite further cause for despondency as it called for voluntary segregation by Indians and offered financial assistance to those Indians who wished to return to India. Sir Abe Bailey, M.P. for Krugersdorp, called these recommendations the "weakest product of any Commission that had ever gone forth."[153] The spirit of the white commercial elite was finally broken. The President of the Krugersdorp Chamber of Commerce reported that its members had fallen from 30 to just 20 members

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[150]. Ibid, see also Krugersdorp Standard, 21/8/20.

[151]. Krugersdorp Standard, 8/9/20

[152]. Krugersdorp Standard, 25/6/21.

[153]. CAD, GG 909, 15/105/9, Cape Times, Report of Parliamentary Debates.

and blamed the "trying years" that the white shopkeepers had recently experienced.[154] By their own estimation, the white commercial elite reported that since the Anglo-Boer War, there had been an increase of 123 Indian traders in the town which had compelled 35 white shopkeepers to close down with the loss of 150 wage workers.[155]

The 1922 Rebellion on the Rand further harmed Krugersdorp's mining industry and added to the white commercial elite's woes. The President of the Chamber of Commerce commented on the closure of the Luipaard's Vlei Estate gold mine during the rebellion which led to the loss of several hundred jobs and said that recent events had led to,

> "...the...general decline of trade all round ...most of us imagined that at the end of December [1921] we had surmounted the crest of depression and immediately in the new year the strike was declared with results disastrous to us all."[156]

The following year and for many years thereafter, the white commercial elite suffered as increasing numbers of Indians penetrated the town. Just a decade later, the Indian population had grown from the 200 recorded in 1914, to a total of 383 in 1932, far surpassing the previous highest total of 300 Indians that lived in the municipality in 1903.[157] About 300 of these Indians lived in Krugersdorp itself and 62 lived in Burghershoop. The remaining 21 lived on a privately owned plot called Naude's Ground situated north of Burghershoop. In addition, 41 Chinese traders lived in the municipality by 1932, 21 in the town itself.[158] "Asiatic" companies owned no less than 52 stands in Krugersdorp and 9 in Burghershoop, worth a total of 42 280 pounds.[159] One block, bounded by the Market, Rissik, Commissioner and Joubert streets in Krugersdorp, was entirely in the hands of Dadoo and was referred to in the town as "Dadoo's Block".[160]

Conclusion

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[154]. Krugersdorp Standard, 17/2/23.

[155]. Krugersdorp Standard, 17/5/20.

[156]. Krugersdorp Standard, 15/4/22.

[157]. Report of the Transvaal Asiatic Land Tenure Act Commission, U.G. no. 50, 1935, pp. 4, 14 and 16.

[158]. Ibid.

[159]. Ibid.

[160]. Ibid.

The struggle between the white and Indian shopkeepers that was described above reveals much that has been previously hidden or imperfectly understood in recent urban and social history. The role that the Town Council played in the development of segregation has only recently been explored by historians and has yet to be analysed in a way that unlocks the full potential of this approach.

This paper also raises a question mark over the efficacy of conventional terms like "local government", "civil society" and "democracy" in explaining complex historical events at a local level. If a small elite of white shopkeepers can dominate both the Town Council and the formal institutions of civil society and still not achieve its aims against an small group of Indians who lacked access, let alone domination over these power bases, then where does power truly reside and what purpose does it serve to use these terms ? Can one talk of "democracy" when the "Independents" who were voted onto the Town Council to remove Indians from the town, amongst other reasons, are actively undermined by these same voters when they called for a boycott of Indian shops ? It is this writer's opinion that more pragmatic conceptualisations of these terms need to be developed through additional research into case-studies like the one conducted above, before they can be used again with confidence.